

Serial No. 09/659,650
Page 9

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed June 29, 2005. In the Office Action, the Examiner notes that claims 1-32 are pending in the application and that claims 1-3, 12-15 and 24-29 stand rejected and claims 4-11, 16-23 and 30-32 are objected to. By this response, Applicants have amended claims 1, 2, 5, 13, 25 and 27; cancelled claims 3-4, 15-16, and 29-30; and added new claims 33 and 34.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are indefinite or anticipated under the respective provisions of 35 U.S.C. §§112 and 102.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to Claims, and New Claims

By this response, Applicants have amended claims 1, 2, 5, 13, 25 and 27; cancelled claims 3-4, 15-16, and 29-30; and added new claims 33 and 34. The amendments to the claims, and the new claims, are fully supported by the Specification, Claims and Drawings as originally filed. For example, the amendments to the claims are supported at least by claims 3-4, 15-16 and 29-30. The new claims are supported at least by the claims as originally filed. Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments to the claims, and the new claims.

Allowable Subject Matter

The Examiner has objected to dependent claims 4-11, 16-23 and 30-32 as being dependent upon a rejected base claim, but has indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

391467_1.DOC

Serial No. 09/659,650
Page 10

The Examiner has also similarly objected to dependent claims 4-11, 16-23 and 30-32, and indicated otherwise allowable subject matter therein, in the Office Action mailed on 1/11/2005, in regards to the claims as submitted with the Applicants' response filed on 8/30/04.

The Applicants thank the Examiner for indicating allowable subject matter.

In response, the Applicants have incorporated the subject matter of claims 3-4, 15-16, and 29-30 into independent claims 1, 13, and 25, respectively, and added substantially similar limitations to independent claim 27. The Applicants have also amended claims 1, 13, 25 and 27 to clarify some of the limitations added in the Applicants' response filed 2/2/05. However, these clarifying amendments are not believed to affect the allowability of these claims, as currently amended, based on the Examiner's indication of allowable subject matter in both the 1/11/2005 Office Action and the present Office Action mailed on 6/29/05.

Therefore, it is believed that independent claims 1, 13, 25, and 27 are now in condition for allowance.

35 U.S.C. §112 Rejection of Claims 1, 13, 25 and 27

The Examiner has rejected claims 1, 13, 25 and 27 under 35 U.S.C. §112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the Examiner's rejection.

Specifically, the Examiner alleges: "It is not clear where the 'multiplexing said first and second voice traffic' take place, said VoIP gateway or the said second VoIP gateway in claims 1, 13, 25 and 27." (page 2 of the 6/29/05 Office Action)

In response, the Applicants have amended claim 1 to indicate that it is at the first VoIP gateway that the multiplexing occurs. However, regarding claim 13, the language of this claim, as previously amended, already makes clear that the first VoIP gateway multiplexes the first and second voice traffic. Moreover, regarding claims 25 and 27, these claims are directed to a VoIP gateway, and

391467_1.DOC

Serial No. 09/659,650
Page 11

thus it is not possible to amend the body of the claim to recite a "said first VoIP gateway" instead of "said VoIP gateway" without creating confusion with regards to antecedence between the preamble and the body of the claim. Thus, the Applicants respectfully submit, with regards to claims 25 and 27, that it should be sufficiently clear to one of ordinary skill in the art, in light of the substantial discussion in the Specification, the difference between "said VoIP gateway" and "said second VoIP gateway" in the language of these claims.

Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §102 Rejection of Claims 1-3, 12-15 and 24-29

The Examiner has rejected claims 1-3, 12-15 and 24-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,363,065 to Thornton et al. (hereinafter "Thornton"). The Applicants respectfully traverse the rejection.

The Examiner has indicated that dependent claims 4-11, 16-23 and 30-32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied. The Examiner has also similarly indicated allowable subject matter in these same dependent claims in the Office Action mailed on 1/11/2005, in regards to the claims as submitted with the Applicants' response filed on 8/30/04.

The Applicants have incorporated the subject matter of claims 3-4, 15-16, and 29-30 into independent claims 1, 13, and 25, respectively, and added substantially similar limitations to independent claim 27. The Applicants have also amended claims 1, 13, 25 and 27 to clarify some of the limitations added in the Applicants' response filed 2/2/05. However, these clarifying amendments are not believed to affect the allowability of these claims, as currently amended, based on the Examiner's indication of allowable subject matter in both the 1/11/2005 Office Action and the present Office Action mailed on 6/29/05.

Therefore, it is believed that independent claims 1, 13, 25, and 27 are now in condition for allowance, and thus are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore,

391467_1.DOC

Serial No. 09/859,650
Page 12

claims 2-3, 12, 14-15, 24, 26 and 28-29 depend, either directly or indirectly, from independent claims 1, 13, 25 and 27 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.


Conclusion

Thus, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Stephen Guzzi at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 9/8/05



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

391467_1.DOC